

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CATHERINE A. McGUIRE	:	
Plaintiff	:	
	:	CA: 06-640--GMS
vs.	:	Jury Trial Demanded
	:	
DELAWARE RIVER & BAY	:	
AUTHORITY	:	
Defendant	:	
	:	

JOINT STATUS REPORT

1. Jurisdiction and Service

Defendant Delaware River and Bay Authority ("DRBA") agrees that subject matter and personal jurisdiction are present in this case. The DRBA has been served with the Complaint and has answered.

2. Substance of the Action

Plaintiff claims that she was a passenger on defendant's ferry on October 17, 2004. She claims that when the ferry arrived at the dock in Lewes, Delaware, the ferry made a hard landing against the pilings or fenders, and she fell onto the car deck. She claims that she landed on her face and sustained various injuries. She was taken by ambulance to Beebe Hospital, where she was treated and released. She seeks damages for her injuries, pain and suffering as a result of the defendant's negligence.

Defendant claims that plaintiff fell as the ferry was approaching the dock, and denies that there was any significant impact upon docking. Upon learning of the incident, the crewmembers offered first aid and called for an ambulance. Defendant denies that the plaintiff's fall was caused by any negligence by defendant or its crewmembers, or any fault on the part of the vessel. Defendant also claims that the suit is barred by the one year time limitation contained within the ticket issued to the plaintiff prior to boarding.

3. Identification of Issues

The main issue in dispute is whether the vessel struck the dock with any unnecessary force, and whether defendant was otherwise negligent. As defendant has not been provided with any medical records to date, there may also be issues of fact with respect to the initial injury and whether there is any ongoing injury.

4. Narrowing of Issues

Defendant intends to file a motion for summary judgment on the issue of the one year time bar.

5. Relief

Plaintiff seeks compensation for medical costs incurred, pain and suffering, loss of earning capacity, disfigurement and permanent impairment to facial function. No claim for punitive or exemplary damages is being pursued or contemplated at this time.

6. Amendment of Pleadings

No amendments are contemplated at this time.

7. Joinder of Parties

No joinder is necessary.

8. Discovery

Plaintiff intends to take the deposition of the ferry captain with regard to the docking incident. Other crew depositions may be necessary depending upon the testimony of the captain.

Defendant has served its self executing disclosures, and intends to serve interrogatories and a request for production. Defendant also intends to take the deposition of the plaintiff and her husband, as well as other eye witnesses. Defendant does not know whether or not a medical expert will be necessary.

The parties believe that all discovery can be completed by March 10, 2008.

9. Estimated Trial Length

The DRBA anticipates that the trial of this case will take approximately one to two days.

10. Jury Trial

A jury has been demanded by the plaintiff.

11. Settlement

The defendant is amenable to discussing settlement, and is waiting to receive a demand from plaintiff with supporting documentation. The plaintiff has prepared such a demand package and transmitted same to defendant's claims adjustor. If the parties are unable to settle the matter

on their own, a referral for mediation with the Magistrate would be appropriate.

12. Other matters

None.

13. Trial Counsel for DRBA and plaintiff's counsel have conferred about each of the above matters.

IT IS SO AGREED.

/s/ Peter E. Hess

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Dated: December 6, 2007